IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1225 of 2004

Between:

Shaik Muntaz Begum, W/o. SK. Mahaboob Ali,
Mudigonda Mandal, Khammam District.

..... PETITIONER

AND

1. The District Cooperative Officer, Khammam, Khammam District.
2. The Divisional Cooperative Officer, Khammam, Khammam District.
3. The Pammi PACS, Mudigonda Mandal, Khammam District,
   Rep. by its Chairman/PIC

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in terminating the service of the petitioner without any notice or opportunity after long spell of 13 years of service and further action of the respondents in initiating proceedings for recovery of the salaries paid to the petitioner with interest as highly illegal, arbitrary and violative of Art.14 of the Constitution of India and also contrary to the provisions of A.P.C.S.Act and consequently set aside the proceedings issued by the 3rd respondent dated 12-3-2003 terminating the service of the petitioner and consequential proceedings of recovery initiated by the 1st respondent in Lr.Rc.No.3332/2003-C, dated 16-12-2003.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 and 2 : GP FOR COOPERATION

Counsel for Respondents : (Notice returned unserved)

The Court made the following:

O R D E R :

The petitioner questions the proceedings of the third respondent-Society dated 12.3.2003 in removing him from service. It is stated that the petitioner is appointed as Clerk/Sales Woman of the third respondent-Society. Under the special bylaws of the Primary Agricultural Cooperative Credit Societies, the competent authority to inflict the major punishment of misconduct is the Committee and the Appellate Authority is also the Committee. The petitioner herein was not removed from service on the ground of committing major misconduct, but he was removed from service on the ground that her appointment is irregular and contrary to the mandatory provisions of Section 116-C of the
A.P. Cooperative Societies Act.

2. However, I have taken a view in W.P.No.3171 of 2003 and batch, dated 30.8.2004 that no Writ lies against the society against its employees and the petitioner is having alternative remedies under the A.P. Shops and Establishments Act or under the Industrial Disputes Act.

3. Accordingly, the Writ Petition is dismissed keeping it open to the petitioner to approach the appropriate authorities for his redressal, within one month from the date of receipt of a copy of this order. There shall be no order as to costs.

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V. ESWARAIAH, J

Dated:04-11-2004.

ccm

To

1. The District Cooperative Officer, Khammam, Khammam District.
2. The Divisional Cooperative Officer, Khammam, Khammam District.
3. The Chairman/PIC, The Pammi PACS, Mudigonda Mandal, Khammam

District,
4. 2 CCs to G.P. for Cooperation, High court Buildings, Hyderabad (OUT)

5. CD copies.